

<b>THERESA ANASTASIO</b>	:	<b>CIVIL ACTION</b>
<b>and</b>	:	
<b>VERNON ANASTASIO,</b>	:	
<b>Plaintiffs,</b>	:	
	:	<b>NO. 09-5213</b>
<b>v.</b>	:	
	:	
<b>HARVEY KAHN, JR., ACME</b>	:	
<b>MARKETS, SANFORD M. SANDELMAN</b>	:	
<b>c/o KIN PROPERTIES, INC., SULYSE</b>	:	
<b>TRUSTS by and through SANFORD M.</b>	:	
<b>SANDELMAN c/o KIN PROPERTIES,</b>	:	
<b>INC., and SUSTEVE TRUSTS by and</b>	:	
<b>through SANFORD M. SANDELMAN c/o</b>	:	
<b>KIN PROPERTIES, INC.,</b>	:	
<b>Defendants.</b>	:	
	:	

**AND NOW**, this 13th day of January, 2010, upon consideration of the Motion to Dismiss of Acme Markets, Inc.; Sandra M. Sandelman c/o Kin Properties, Inc.; Sulyse Trusts, by and through Sanford M. Sandelman c/o Kin Properties, Inc.; and Susteve Trusts, by and through Sanford M. Sandelman c/o Kin Properties, Inc., Defendants, to Counts III, IV, and XXIV of the Plaintiffs' Complaint (Document No. 2, filed Dec. 11, 2009), Plaintiff's Response to Defendants' Motion to Dismiss All Strict Liability Counts (Document No. 9, filed Dec. 21, 2009), the Reply of Acme Markets, Inc.; Sandra M. Sandelman c/o Kin Properties, Inc.; Sulyse Trusts, by and through Sanford M. Sandelman c/o Kin Properties, Inc.; and Susteve Trusts, by and through Sanford M.. Sandelman c/o Kin Properties, Inc., Defendants, to Plaintiffs' Response to Defendants' Motion to Dismiss (Document No. 12, filed Dec. 23, 2009), and Plaintiffs' Response to Defendants' Reply in Favor of

Defendants' Motion to Dismiss Strict Liability Claims Against the Defendants (Document No. 13, filed Dec. 31, 2009), for the reasons set forth in the Memorandum dated January 13, 2010, **IT IS ORDERED** that defendants' motion to dismiss Counts III, IV, and X, XIV is **GRANTED**, and Counts III, IV, X, and XIV are **DISMISSED**.

**IT IS FURTHER ORDERED** that a scheduling conference will be conducted in due course.

BY THE COURT:

/s/ Jan E. DuBois  
**JAN E. DUBOIS, J.**